

MEMO ENDORSED

Patterson, R.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEVIN AND DR. LUCILLE LEVIN,

Plaintiffs,

Case No. 09-CIV-5900 (RPP)

v.

**NOTICE OF WITHDRAWAL
OF COUNSEL**

BANK OF NEW YORK, *et al.*,

Defendants.

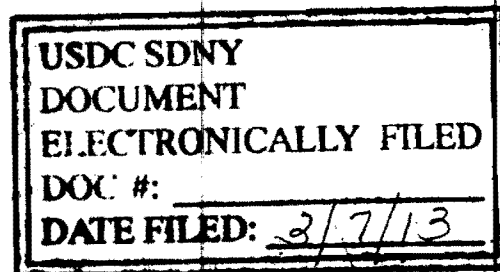
THE BANK OF NEW YORK MELLON, *et al.*,

Third-Party Plaintiffs,

v.

ESTATE OF MICHAEL HEISER, *et al.*,

Third-Party Defendants.



TO THE CLERK AND ALL PARTIES OF RECORD: Please withdraw the appearance of David Misler, formerly of DLA Piper LLP (US), as counsel of record for Third Party-Defendants, Estate Of Michael Heiser, et al., in the above-captioned case.

PLEASE TAKE NOTICE that Third Party-Defendants, Estate Of Michael Heiser, et al., continue to be represented in this case by Richard Kremen, Dale Cathell, Cary Samowitz, and Timothy Birnbaum of DLA Piper LLP (US).

Respectfully submitted,

Date: March 6, 2013

Timothy Birnbaum
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*Counsel for Third Party Defendants, Estate Of
Michael Heiser, et al.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEREMY LEVIN AND DR. LUCILLE LEVIN,

Plaintiffs,

Case No. 09-Civ-5900 (RPP)

v.

BANK OF NEW YORK, *et al.*,
Defendants.

-----X
THE BANK OF NEW YORK MELLON, *et al.*

Third Party Plaintiffs,

v.

ESTATE OF MICHAEL HEISER, *et al.*,

Third Party Defendants.

-----X

CERTIFICATION IN SUPPORT OF NOTICE OF WITHDRAWAL OF COUNSEL

I, Timothy Birbaum, being of full age, do hereby certify as follows:

1. I am an attorney at law with the law firm of DLA Piper LLP (US), attorneys for Third Party Defendants, Estate Of Michael Heiser, et al., in the above-captioned matter. As such, I am fully familiar with the facts set forth herein. I make this certification based on my own personal knowledge and in support of Third Party Defendants', Estate Of Michael Heiser, et al.,

Withdrawal of Appearance of David Misler as Counsel of Record.

2. I am moving to withdraw David Misler as attorney of record for Third Party Defendants, Estate Of Michael Heiser, et al., because ~~she~~ ^{he} is no longer employed by or otherwise affiliated with DLA Piper LLP (US).

3. Third Party Defendants, Estate Of Michael Heiser, et al., consent to the withdrawal of David Misler as its attorney of record. The appearances by other DLA Piper LLP (US) attorneys are unaffected by this request.

EAST555255979.1

Application granted
David Misler Esq. no longer
of counsel in this proceeding
See order
R. M. [Signature]

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

Date: March 6, 2013

/s/
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